

**ENTERED**

January 12, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:14-CR-714
	§	
ESTEBAN ARROYO, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER**

On October 16, 2014, Defendant Esteban Arroyo was indicted in the above-captioned case. Defendant qualified for appointed counsel under the Criminal Justice Act, and attorney Frank Morales with the Office of the Federal Public Defender filed an appearance on his behalf.

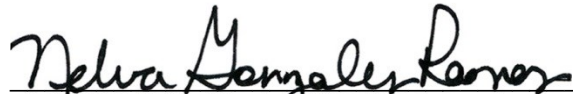
During a final pretrial conference on December 8, 2014, Defendant notified the Court that he had hired attorney Douglas Brooks to represent him in this case; however, Mr. Brooks did not file a motion to substitute counsel or appear for the conference. As a result, the conference was reset, and Mr. Morales continued to represent Defendant. Mr. Brooks also failed to appear for the depositions of material witnesses or the January 5, 2015 final pretrial conference, which was again reset because of his absence. When Mr. Brooks failed to appear for the January 8, 2015 conference, the Court contacted Mr. Brooks by phone in Defendant and Mr. Morales' presence. At that time, Mr. Brooks stated on the record that Defendant had paid him a retainer of either \$2000.00 or \$2500.00 to represent him in this case. Defendant told the Court that he did not wish to continue with Mr. Brooks because he had failed to file an appearance, communicate with

him, or do any other work on his case. At that time, the Court orally ordered Mr. Brooks to return the full amount of the retainer to Defendant. Mr. Brooks stated that he would do so as soon as possible.

More than a year has passed, and the Court has since received a number of letters from Defendant stating that Mr. Brooks still has not returned his money. D.E. 68, 70, 71. Defendant also filed a copy of a certified letter he sent Mr. Brooks on October 9, 2015, requesting a refund of the retainer in the amount of \$1500.00. D.E. 68, p. 4. The letter was returned to Defendant with the notation "No Longer a Client" handwritten on the envelope. *Id.*, p. 5.

Attorney Douglas Brooks is hereby **ORDERED** to provide the Court with proof that he has returned to Defendant the full amount of his retainer no later than January 31, 2016, or otherwise face charges of contempt of Court. The Clerk is instructed to send Mr. Brooks a copy of this Order, along with D.E. 70, which includes payment instructions from Defendant.

ORDERED this 12th day of January, 2016.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE